

ARKANSAS COURT OF APPEALS

DIVISION II

No. CA07-1174

PAMELA MARSHALL CARROLL,
APPELLANT

V.

RICHARD DALE CARROLL,
APPELLEE

Opinion Delivered 17 September 2008

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT,
[NO. DR-2006-492-3]

THE HONORABLE WILLIAM W.
BENTON, JUDGE

APPEAL DISMISSED

D.P. MARSHALL JR., Judge

After twenty-five years of marriage, raising two children, and operating a family farm, Pamela and Dale Carroll began dividing their property in this divorce case. They settled on some items and asked the circuit court to divide others. They now appeal the court's division, but we cannot reach their arguments due to lack of a final order.

The decree divided all of the Carrolls' property except the equipment and material in a shop building. The circuit court reserved a ruling on those items so the parties could inventory them and possibly agree on a split. In the event they were unsuccessful, the court stated that it would step in and decide the matter. The record before us, however, does not show that either the parties or the court divided the shop

contents.

This situation presents two finality problems. First, the decree reflects that further, non-collateral proceedings are pending. *Capitol Life & Accident Ins. Co. v. Phelps*, 72 Ark. App. 464, 465, 37 S.W.3d 692, 693 (2001). And the court did not distribute all property upon entry of the decree. Ark. Code Ann. § 9-12-315(a)(1)(A) (Repl. 2008). We therefore lack jurisdiction and must dismiss the appeal. *Roberts v. Roberts*, 70 Ark. App. 94, 96, 14 S.W.3d 529, 531 (2000). Our dismissal is without prejudice. *First National Bank of Lewisville v. Mayberry*, 366 Ark. 39, 40, 233 S.W.3d 152, 153 (2006).

We also ask the parties to clarify one other matter when they return to circuit court. Mr. Carroll argues on cross-appeal that the trial court mistakenly declared a manufactured home marital property. Mrs. Carroll responds that this issue has been settled. Mr. Carroll makes no reply, but his attorney, in response to our clerk's request to confirm the settlement in writing, indicated that the matter may not be completely resolved. The parties should answer on the record in the circuit court whether a settlement has been reached if they want to press the manufactured-home issue in a future appeal.

Dismissed without prejudice.

PITTMAN, C.J., and HEFFLEY, J., agree.